

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JAN 03 2024

Nathan Ochsner, Clerk of Court

In re:)	
)	Chapter 11
SURGALIGN HOLDINGS, INC., et al.)	
)	
)	
)	
)	
RYAN MESSNER,)	
)	Case No. 23-90731
Plaintiff(s),)	
)	Adversary Proceeding
v.)	Case No. 23-03150
)	
SURGALIGN HOLDINGS, INC.,)	
)	
Defendant(s).)	

JOINT RULE 26(f) REPORT STATUS

Pursuant to Federal Rule of Civil Procedure 26(f), the Court's December 8, 2023 ORDER SETTING SCHEDULING CONFERENCE pursuant to Rule 16 as made applicable by Bankruptcy Rule 7016, the Plaintiff in the above-entitled action INDIVIDUALLY submits this Joint Rule 26(f) Report Status, as made applicable by Bankruptcy Rule 7026, and being required 3 business days prior to the scheduling conference.

Plaintiff submits this Report Status INDIVIDUALLY as a direct result of the confusion and lack of clarity with regard to the counsel with whom Plaintiff is expected to meet and confer due to the presence in this matter of three law firms, each of who are claiming different, and at times, overlapping representation of the Debtor, which is thoroughly discussed and documented herein.

On October 13, 2023, White & Case LLP, the Debtor's ORIGINAL Counsel of Record as filed on the Docket, advised Plaintiff that Bradford J. Sandler at Pachulski, Stang, Ziehl, & Jones LLP had taken over all legal matters for Surgalign Holdings, Inc., effective September 27, 2023, which is thoroughly discussed and documented herein. To the Plaintiff's knowledge, no withdrawal of record was filed for White & Case LLP, nor was there an entry of appearance for Pachulski, Stang, Ziehl, & Jones LLP.

When this Court issued its December 8, 2023 ORDER SETTING SCHEDULING CONFERENCE, it identified Veronica Ann Polnick, with the firm of Jackson Walker LLP, as

Counsel of Record, and it is Ms. Polnick who filed a MOTION TO DISMISS the Plaintiff's Claim and Adversary Proceeding against Surgalign Holdings, Inc. on October 2, 2023.

After receiving the ORDER SETTING SCHEDULING CONFERENCE on December 8, 2023, the Plaintiff requested three (3) available times to confer with Ms. Polnick via Email on December 11, 2023, attached hereto as EXHIBIT A.

After receiving an Email "Read Receipt," and no response from Ms. Polnick by end of business on December 20, 2023, which represents the 21-day period to confer required by the Federal Rule of Civil Procedure 26(f), Plaintiff emailed Mr. Sandler with Pachulski, Stang, Ziehl, & Jones LLP on December 21, 2023, notifying Mr. Sandler of Plaintiff's impending DEFAULT FINAL JUDGEMENT, just as Plaintiff previously notified Ms. Polnick, who never responded. Mr. Sandler also did not respond to Plaintiff and did not return a "Read Receipt" of Plaintiff's December 21, 2023 email until January 1, 2024, attached hereto as EXHIBIT G. However, on December 26, 2023, Mr. Jeffrey P. Nolan with Pachulski, Stang, Ziehl, & Jones LLP (who was never previously contacted or known by Plaintiff) contacted Plaintiff and stated that he had been "forwarded various emails" regarding issues including the MOTION TO DISMISS, filed by Ms. Polnick with Jackson Walker LLP, but did not clarify who forwarded these emails to him, or the relationship between Pachulski, Stang, Ziehl, & Jones LLP (his firm) and Jackson Walker LLP (who filed the MOTION TO DISMISS). For example, Mr. Nolan referenced the Plaintiff's "offer to confer," which was only sent to Ms. Polnick, and Plaintiff has no notice or no record of how that "offer to confer" was transmitted from Ms. Polnick to Mr. Nolan.

As set forth in detail hereafter, Plaintiff seeks clarity from this Court as to the representation of Surgalign Holdings, Inc. in all proceedings affecting the Plaintiff, so that Plaintiff can comply with all of the Orders of this Court.

I. PLAINTIFF ATTEMPT TO CONFER

The Plaintiff in the above-entitled action, Ryan Messner, Pro Se, attempted to contact and schedule a meeting to confer with the Defendant, Surgalign Holdings, Inc., and Defendant's Counsel of Record as defined on the Court's CERTIFICATE OF NOTICE, filed on December 10, 2023, Jackson Walker LLP, in accordance with the Federal Rule of Civil Procedure 26(f) stipulation, as follows:

"the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held"

The scheduling conference in this matter is scheduled for January 10, 2024, at 3:00 PM, before United States Bankruptcy Judge Honorable Christopher M. Lopez, in Courtroom 401, 4th floor, 515 Rusk Avenue, Houston, TX 77002. Since the Plaintiff did NOT receive a response from either the Defendant, Surgalign Holdings Inc., or Defendant's Counsel of Record, Jackson Walker LLP, prior to end of business on December 20, 2023, the parties were NOT able to confer within the 21-day period required by the Federal Rule of Civil Procedure 26(f), and

subsequently, are NOT able to file a JOINT report as required by the Court's December 8, 2023 ORDER SETTING SCHEDULING CONFERENCE.

On December 11, 2023, one business day after receiving the ORDER SETTING SCHEDULING CONFERENCE, Plaintiff contacted Counsel of Record at Jackson Walker LLP, namely Veronica Polnick, through electronic mail (email) in an effort to promptly set a meeting date to confer, as required by the Court's December 8, 2023 ORDER SETTING SCHEDULING CONFERENCE. A copy of the Email correspondence is attached hereto as EXHIBIT A, and is incorporated herein by reference. A copy of the Email "read receipt" is attached hereto as EXHIBIT B.

On December 11, 2023, a copy of EXHIBIT A was mailed to Jackson Walker LLP, Veronica Polnick, 1401 McKinney Street, Suite 1900, Houston, Texas 77010-4037. A copy of the US Postal Service acceptance receipt and Signature Proof of Delivery are attached hereto as EXHIBIT C.

On December 14, 2023, a copy of EXHIBIT A was mailed to Surgalign Holdings, Inc., 520 Lake Cook Road, Suite 315, Deerfield, Illinois 60015. A copy of the US Postal Service acceptance receipt, and subsequent "Forward Expired" confirmation, are attached hereto as EXHIBIT D.

II. PLAINTIFF AGREEMENT TO STIPULATE TO EXTEND

As incorporated within EXHIBIT A, Plaintiff AGREED TO STIPULATE to extend the Defendant's answer date to 12/29/23 at 5:00 PM CDT. As of said date and time, Plaintiff did NOT receive an email response, or an answer to a properly served summons and complaint from either the Defendant, Surgalign Holdings, Inc., or Defendant's Counsel of Record, Jackson Walker LLP, or either of the other two law firms in contact with the Plaintiff, who remains uncertain as to who represents the Defendant, and accordingly, will move the Court for Entry of a Default Judgement.

Counsel to the Plan Administrator, Pachulski, Stang, Ziehl, & Jones, contacted Plaintiff on December 26, 2023 via email, ONLY after receiving a courtesy email on December 21, 2023 from Plaintiff, since there was no communication from Defendant, Surgalign Holdings, Inc., or Defendant's Counsel of Record, Jackson Walker LLP by end of business December 20, 2023. Within the email communication attached as EXHIBIT F, Pachulski, Stang, Ziehl, & Jones acknowledged receipt of the Plaintiff's "various" prior emails, and requested to Extend the Defendant's answer date to January 10, 2024, the day of the Scheduling Conference.

Since Jackson Walker LLP is Counsel of Record in this matter and Plaintiff has yet to receive any response from Ms. Polnick, Plaintiff did NOT agree to Extend said answer date to Pachulski, Stang, Ziehl, & Jones LLP, and Plaintiff is aware that Pachulski, Stang, Ziehl, & Jones will file a Motion to Extend with the Court, as defined in EXHIBIT F attached. Jackson Walker LLP is Counsel of Record, and any conference in this matter should be with Jackson Walker LLP, not Pachulski, Stang, Ziehl, & Jones LLP.

Since Pachulski, Stang, Ziehl, & Jones acknowledged receipt of “various” prior emails from the Plaintiff, it is the Plaintiff’s belief that Pachulski, Stang, Ziehl, & Jones also violated their ethical responsibility of communication to the Plaintiff, which should have occurred between December 8, 2023 and December 20, 2023, since they had all previous communication in their possession and were aware of this Adversary Proceeding.

III. MOTION FOR DEFAULT STATUS

Despite exhausting all efforts to confer, and agreeing to stipulate to extend the Defendant’s answer date, Plaintiff, RYAN MESSNER, Pro Se, moves the Court for Entry of a Default Judgement as to Defendant SURGALIGN HOLDINGS, INC., upon the Complaint heretofore filed and served upon the Defendant, in accordance with the provisions of Rule 55(b)(2), Federal Rules of Civil Procedure.

Said MOTION FOR ENTRY OF DEFAULT FINAL JUDGEMENT was previously filed on October 4, 2023, namely: Case 23-03150 Document 6 Filed in TXSB on 10/04/23 Page 1 of 25.

Before seeking ENTRY OF DEFAULT FINAL JUDGEMENT, Plaintiff satisfied the ethical obligation to warn opposing Counsel of Record, and the Defendant, of a pending default judgement (See *Pearson v. Continental Airlines* (1970) 11 Cal.3d 613, 619) by notifying Counsel of Record at that time, White & Case, as well as the Defendant, Surgalign Holdings, Inc.

On October 3, 2023, a copy of MOTION FOR ENTRY OF DEFAULT FINAL JUDGEMENT was mailed to White & Case, 111 South Wacker Drive, Suite 5100, Chicago, IL 60606-4302. A copy of the US Postal Service acceptance receipt and Proof of Delivery are attached hereto as EXHIBIT E.

On October 3, 2023, a copy of MOTION FOR ENTRY OF DEFAULT FINAL JUDGEMENT was mailed to Surgalign Holdings, Inc., 520 Lake Cook Road, Suite 315, Deerfield, Illinois 60015. A copy of the US Postal Service acceptance receipt, and subsequent “Forward Expired” confirmation, are attached hereto, as part of EXHIBIT E aforementioned.

Due to persistent follow up with the Clerk of Court’s office regarding case status, Plaintiff learned that MOTION TO DISMISS was filed by Veronica Polnick at Jackson Walker LLP on October 2, 2023. As detailed in Plaintiff’s MOTION TO QUASH SERVICE OF PROCESS, Plaintiff is an unrepresented person, who is not registered as a Filing User in accordance with the Federal Rules of Civil and Criminal Procedure, and the Local Rules of this Court. Counsel of Record failed to manually serve Plaintiff written notice of MOTION TO DISMISS. Furthermore, Counsel of Record filed MOTION TO DISMISS on behalf of the Defendant on October 2, 2023, 5 days AFTER Pachulski, Stang, Ziehl, & Jones, according to White & Case LLP, took over undefined “legal matters” for the Defendant, previously unbeknownst to Plaintiff, effective September 27, 2023, per the Email excerpts received from White & Case below on October 13, 2023:

“In any event, Pachulski represents the plan administrator and neither my firm nor Jackson Walker is involved on it anymore.”

"As of September 27, Pachulski has taken over legal matters for this company."

Plaintiff has yet to receive any communication from Ms. Polnick, or anyone else with Jackson Walker LLP, that confirms the representations by White & Case LLP or Pachulski, Stang, Ziehl, & Jones LLP with regard to whom is handling "legal matters" for Surgaligh Holdings, Inc.

On December 21, 2023, Plaintiff emailed a copy of the previously filed MOTION FOR ENTRY OF DEFAULT FINAL JUDGEMENT to Bradford J. Sandler at Pachulski, Stang, Ziehl, & Jones LLP. Plaintiff received an email response NOT from Bradford J. Sandler, BUT from Jeffrey P. Nolan at Pachulski, Stang, Ziehl, & Jones LLP on 12/26/23, wherein Mr. Nolan acknowledged that "various emails" had been forwarded to him, including issues surrounding the Motion to Dismiss, Default Judgement, Status Conference, and Plaintiff's request to meet and confer. A copy of the Email correspondence is attached hereto as EXHIBIT F.

Pursuant to Rule 26(f), as made applicable by Bankruptcy Rule 7026, Plaintiff INDIVIDUALLY files this JOINT RULE 26(f) REPORT STATUS at least 3 business days prior to the scheduling conference.

WHEREFORE, the Plaintiff, RYAN MESSNER, respectfully requests that the Court approve the Recovery of Money pursuant to FRBP 7001(1), and deny the discharge in bankruptcy of any debtor, or individual, who has committed any acts of fraud, misrepresentation, deceit, or false pretenses under §523(a)(2), for such other and further relief the Court deems appropriate.

IV. PRAYER

WHEREFORE, Plaintiff prays that this Court enter a Judgment of Default against Defendant, and prays that this Court PRIORITIZE Plaintiff's Adversary Proceeding above all other claims against Defendant, due to the Defendant's negligence, errors, omissions, misrepresentation, and violations of good faith and fair dealing.

V. AFFIDAVIT

I, RYAN MESSNER, do hereby certify that the statements and allegations set forth in the foregoing and the accompanying EXHIBITS are true and accurate, to the best of my knowledge and belief.

RESPECTFULLY SUBMITTED,



Ryan Messner, Plaintiff, Pro Se
ryanmessner@hotmail.com
570 Camphor Way
Lexington, KY 40509
859.559.7985

EXHIBIT A

Adversary No.: 23-03150 – Request to Confer

Ryan Messner <ryanmessner@hotmail.com>

Mon 12/11/2023 8:46 AM

To: vpolnick@jw.com <vpolnick@jw.com>

📎 1 attachments (19 KB)

23-03150 conference.pdf;

Good Morning, Counsel:

Pursuant to Honorable Christopher M. Lopez's ORDER SETTING SCHEDULING CONFERENCE (attached), Entered on December 8, 2023, "the parties shall confer and file a joint report pursuant to Rule 26(f) as made applicable by Bankruptcy Rule 7026 at least 3 business days prior to the scheduling conference. The Court will conduct a scheduling conference pursuant to Rule 16 as made applicable by Bankruptcy Rule 7016 on 1/10/24 at 03:00 PM in Courtroom 401, 4th floor, 515 Rusk Avenue, Houston, TX 77002."

Please review your calendar and provide three (3) available times to confer, affording us the time necessary to prepare and file a joint report prior to 1/5/24, which satisfies the 3 business day requirement aforementioned.

Furthermore, I AGREE TO STIPULATE to extend the Defendant's answer date to 12/29/23 at 5:00 PM CDT.

Respectfully,

Ryan Messner

Paralegal | Notary Public, State at Large KY | Certified Remote Online Notary (RON)

859.559.7985 | ryanmessner@hotmail.com | www.ron-ky.us

This message may contain confidential or proprietary information intended only for the use of the addressee(s) named above or may contain information that is legally privileged. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message and any copies immediately thereafter.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS**

United States Bankruptcy Court
Southern District of Texas

ENTERED

December 08, 2023

Nathan Ochsner, Clerk

**IN RE: Surgalign Holdings, Inc.
and Official Committee of
Unsecured Creditors
Debtor.**

**Case No.: 23-90731
Chapter 11**

Christopher M. Lopez

Ryan Messner,

Plaintiff,

vs.

Adversary No.: 23-03150

Surgalign Holdings, Inc.,

Defendant.

ORDER SETTING SCHEDULING CONFERENCE

1. The Court will conduct a scheduling conference pursuant to Rule 16 as made applicable by Bankruptcy Rule 7016 on 1/10/24 at 03:00 PM in Courtroom 401, 4th floor, 515 Rusk Avenue, Houston, TX 77002.

2. The parties shall confer and file a joint report pursuant to Rule 26(f) as made applicable by Bankruptcy Rule 7026 at least 3 business days prior to the scheduling conference.

3. The parties may agree in a written stipulation to extend the Defendant's answer date up to the date of the scheduling conference. Agreements proposing to extend an answer date to a date after the scheduling conference require the filing of a motion.

4. If no answer has been filed, the Plaintiff should be prepared to advise the Court of the status of the filing of a motion for default.

Signed and Entered on December 8, 2023 at Houston, Texas.



Christopher M. Lopez
United States Bankruptcy Judge

EXHIBIT B

Read: Adversary No.: 23-03150 – Request to Confer

Polnick, Veronica <vpolnick@jw.com>

Mon 12/11/2023 8:59 AM

To: Ryan Messner <ryanmessner@hotmail.com>

Your message

To: Polnick, Veronica

Subject: Adversary No.: 23-03150 – Request to Confer

Sent: Monday, December 11, 2023 1:46:04 PM (UTC+00:00) Monrovia, Reykjavik

was read on Monday, December 11, 2023 1:59:14 PM (UTC+00:00) Monrovia, Reykjavik.

EXHIBIT C



LEXINGTON
1000 NANOING BLVD
LEXINGTON, KY 40511-9998
(800)275-8777

12/11/2023

11:52 AM

Product	Qty	Unit Price	Price
---------	-----	------------	-------

Prepaid Mail	1		\$0.00
--------------	---	--	--------

Houston, TX 77010
Weight: 0 lb 4.50 oz
Acceptance Date:
Mon 12/11/2023

Tracking #:
9402 1361 0553 6867 7177 39

Grand Total:			\$0.00
--------------	--	--	--------

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device.



or call 1-800-410-7420.

UPN: 204613-0209

Receipt #: 840-54000181-4-7741966-1

Clerk: 35



December 15, 2023

Dear Ryan Messner:

The following is in response to your request for proof of delivery on your item with the tracking number:
9402 1361 0553 6867 7177 39.

Item Details

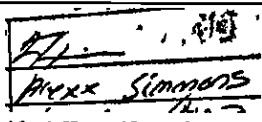
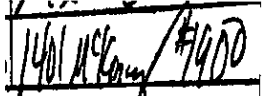
Status: Delivered, Left with Individual
Status Date / Time: December 14, 2023, 12:43 pm
Location: HOUSTON, TX 77001
Postal Product: USPS Ground Advantage™
Extra Services: Signature Confirmation™
Up to \$100 insurance included
Recipient Name: VERONICA POLNICK
Actual Recipient Name: A S

Note: Actual Recipient Name may vary if the intended recipient is not available at the time of delivery.

Shipment Details

Weight: 5.0oz

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

EXHIBIT D



LEXINGTON
1088 NANDINO BLVD
LEXINGTON, KY 40511-9998
(800)275-8777

12/14/2023

11:18 AM

Product	Qty	Unit Price	Price
---------	-----	------------	-------

Prepaid Mail	1		\$0.00
Deerfield, IL 60015			
Weight: 0 lb 4.60 oz			
Acceptance Date:			
Thu 12/14/2023			
Tracking #:			
9402 1361 0553 6909 5535 92			

Grand Total:			\$0.00
--------------	--	--	--------

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device.



or call 1-800-410-7420

UFH: 204613-0209
Receipt #: 840-54000181-1-9049904-1
Clerk: 95



FAQs >

Tracking Number:

9402136105536909553592

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was returned to the sender at 10:38 am on December 16, 2023 in DEERFIELD, IL 60015 because the forwarding order for this address is no longer valid.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Alert

Forward Expired

DEERFIELD, IL 60015

December 16, 2023, 10:38 am

Out for Delivery

DEERFIELD, IL 60015

December 16, 2023, 8:29 am

See All Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



Proof of Delivery



USPS Tracking Plus®





USPS Tracking PlusTM Statement
As of December 21, 2023

Tracking Number: 9402136105536909553592

Date & Time	Status of Item	Location
December 16, 2023 10:38 am	FORWARD EXPIRED	DEERFIELD, IL 60015
December 16, 2023 8:29 am	OUT FOR DELIVERY	DEERFIELD, IL 60015
December 16, 2023 8:19 am	SORTING/PROCESSING COMPLETE	DEERFIELD, IL 60015
December 16, 2023 8:18 am	ARRIVAL AT UNIT	DEERFIELD, IL 60015
December 16, 2023 6:34 am	ARRIVE USPS FACILITY	DEERFIELD, IL 60015
December 16, 2023 6:34 am	ARRIVE USPS FACILITY	DEERFIELD, IL 60015
December 16, 2023 5:54 am	DEPART USPS FACILITY	PALATINE, IL 60095
December 16, 2023 5:43 am	DEPART USPS FACILITY	PALATINE, IL 60095
December 16, 2023 12:16 am	CONTAINER CLOSE	PALATINE, IL 60095
December 15, 2023 8:19 pm	ENROUTE/PROCESSED	PALATINE, IL 60095
December 15, 2023 6:06 pm	ARRIVE USPS FACILITY	PALATINE, IL 60095
December 15, 2023 5:33 pm	ARRIVE USPS FACILITY	PALATINE, IL 60095
December 15, 2023 5:33 pm	ARRIVE USPS FACILITY	PALATINE, IL 60095
December 15, 2023 4:34 pm	DEPART USPS FACILITY	AURORA, IL 60502
December 15, 2023 4:22 pm	DEPART USPS FACILITY	AURORA, IL 60502
December 15, 2023 4:10 pm	DEPART USPS FACILITY	AURORA, IL 60502
December 15, 2023 2:59 pm	ARRIVE USPS FACILITY	AURORA, IL 60502



USPS Tracking Plus™ Statement
As of December 21, 2023

Tracking Number: 9402136105536909553592

Date & Time	Status of Item	Location
December 15, 2023 2:44 pm	ARRIVE USPS FACILITY	AURORA, IL 60502
December 15, 2023 8:45 am	DEPART USPS FACILITY	LEXINGTON, KY 40511
December 15, 2023 8:17 am	DEPART USPS FACILITY	LEXINGTON, KY 40511
December 15, 2023 12:52 am	PRE-SHIPMENT INFO SENT TO USPS	LEXINGTON, KY 40511
December 14, 2023 7:40 pm	CONTAINER CLOSE	LEXINGTON, KY 40511
December 14, 2023 7:40 pm	CONTAINER CLOSE	LEXINGTON, KY 40511
December 14, 2023 5:38 pm	ENROUTE/PROCESSED	LEXINGTON, KY 40511
December 14, 2023 2:40 pm	SHIPPING LABEL CREATED	LEXINGTON, KY 40511
December 14, 2023 11:18 am	ACCEPT OR PICKUP	LEXINGTON, KY 405119998

If the USPS Tracking Plus™ Statement was prepared before the item reached its final destination, the tracking history will continue to refresh and populate status updates as the item travels through the USPS® network. Return to USPS.com to prepare a new USPS Tracking Plus™ Statement.

EXHIBIT E

UNITED STATES POSTAL SERVICE.

LEXINGTON
1088 NAMDINO BLVD
LEXINGTON, KY 40511-9998
(800)275-8777

10/03/2023 11:39 AM

Product	Qty	Unit Price	Price
Prepaid Mail	1		\$0.00
Deerfield, IL 60015			
Weight: 0 lb 0.70 oz			
Acceptance Date:			
Tue 10/03/2023			
Tracking #:			
9400 1092 0556 8853 2170 65			
Prepaid Mail	1		\$0.00
Chicago, IL 60606			
Weight: 0 lb 0.70 oz			
Acceptance Date:			
Tue 10/03/2023			
Tracking #:			
9400 1092 0556 8109 7442 22			
Grand Total:			\$0.00


Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 204613-0209
Receipt #: 840-54000181-4-7602919-2
Clerk: 35

USPS Tracking®

FAQs >

Remove X

Tracking Number:

9400109205568109744222

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:26 am on October 6, 2023 in CHICAGO, IL 60606.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered

Delivered, Front Desk/Reception/Mail Room

CHICAGO, IL 60606

October 6, 2023, 11:26 am

Out for Delivery

CHICAGO, IL 60606

October 6, 2023, 7:27 am

Arrived at Post Office

CHICAGO, IL 60699

October 6, 2023, 7:16 am

Departed USPS Regional Destination Facility

CHICAGO IL DISTRIBUTION CENTER

October 5, 2023, 9:12 pm

Arrived at USPS Regional Facility

CHICAGO IL DISTRIBUTION CENTER

October 5, 2023, 5:16 pm

Departed USPS Regional Facility

CHICAGO IL LOGISTICS CENTER
October 5, 2023, 2:08 pm

Arrived at USPS Regional Facility
CHICAGO IL LOGISTICS CENTER
October 5, 2023, 12:55 pm

Departed USPS Regional Facility
LEXINGTON KY DISTRIBUTION CENTER
October 5, 2023, 6:28 am

Arrived at USPS Regional Origin Facility
LEXINGTON KY DISTRIBUTION CENTER
October 3, 2023, 11:25 pm

Departed Post Office
LEXINGTON, KY 40511
October 3, 2023, 5:07 pm

USPS in possession of item
LEXINGTON, KY 40511
October 3, 2023, 11:39 am

Shipping Label Created, USPS Awaiting Item
LEXINGTON, KY 40511
October 2, 2023, 8:34 am

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package



USPS Tracking[®]

FAQs >

Tracking Number:

9400109205568853217065

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item has been delivered to the original sender at 9:42 am on October 16, 2023 in LEXINGTON, KY 40511.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Delivered

Delivered, To Original Sender

LEXINGTON, KY 40511

October 16, 2023, 9:42 am

Return to Sender Processed

DEERFIELD, IL 60015

October 14, 2023, 2:51 pm

Forward Expired

DEERFIELD, IL 60015

October 12, 2023, 9:22 am

Arrived at Post Office

DEERFIELD, IL 60015

October 12, 2023, 7:55 am

In Transit to Next Facility

October 7, 2023

Departed Post Office

LEXINGTON, KY 40511
October 3, 2023, 5:07 pm

USPS in possession of item

LEXINGTON, KY 40511
October 3, 2023, 11:39 am

Shipping Label Created, USPS Awaiting Item

LEXINGTON, KY 40511
October 2, 2023, 8:32 am

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Re: Suralign Holdings Filing

EXHIBIT F

Ryan Messner <ryanmessner@hotmail.com>

Fri 12/29/2023 10:03 AM

To: Jeffrey P. Nolan <jnolan@pszjlaw.com>

Cc: Colin R. Robinson <crobison@pszjlaw.com>

📎 2 attachments (469 KB)

EXHIBIT A.pdf; certificate of notice.pdf;

Jeffrey:

Thank you for providing clarity as to your firm's role in this process, and for addressing my questions to the best of your ability.

To expand upon the details provided regarding Rule 26(f), said Rule also requires the following:

"the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held"

A courtesy copy of EXHIBIT A attached will be incorporated within my INDIVIDUAL, JOINT RULE 26(f) REPORT STATUS, to be filed prior to January 5, 2024. EXHIBIT A was sent to Counsel of record on December 11, 2023, less than one business day after receiving the ORDER SETTING SCHEDULING CONFERENCE. As defined on page 2 of the CERTIFICATE OF NOTICE, for which I have also attached a courtesy copy, the following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 8, 2023 at the address(es) listed below:

Name Email Address

Veronica Ann Polnick on behalf of Defendant Surgalign Holdings Inc. vpolnick@jw.com,
kgradney@jw.com;dtrevino@jw.com;jpupo@jw.com;steso@jw.com;dduhon@jw.com

As clearly defined in EXHIBIT A, Plaintiff stated the following:

Furthermore, I AGREE TO STIPULATE to extend the Defendant's answer date to 12/29/23 at 5:00 PM CDT.

As demonstrated in EXHIBIT A, Plaintiff has fully complied with the Court Order, and does NOT consent to extend the filing of an Answer to the Complaint until January 10, 2024. Plaintiff proactively contacted Counsel of record, as defined on the CERTIFICATE OF NOTICE issued by the Court on December 10, 2023, attached hereto. Plaintiff never received a response from Counsel of record, and therefore will proceed with filing an INDIVIDUAL, JOINT RULE 26(f) REPORT STATUS.

Regards,

Ryan

Ryan Messner

Paralegal | Notary Public, State at Large KY | Certified Remote Online Notary (RON)

859.559.7985 | ryanmessner@hotmail.com | www.ron-ky.us

This message may contain confidential or proprietary information intended only for the use of the addressee(s) named above or may contain information that is legally privileged. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message and any copies immediately thereafter.

From: Jeffrey P. Nolan <jnolan@pszjlaw.com>
Sent: Thursday, December 28, 2023 1:06 PM
To: Ryan Messner <ryanmessner@hotmail.com>
Cc: Colin R. Robinson <crobenson@pszjlaw.com>
Subject: RE: Suralign Holdings Filing

Ryan,

Addressing your questions, see below my responses in bold:

#1. Can you please confirm that you and Cia Mackle (copied on your email response to me) are currently representing Suralign Holdings, and if so, when did you enter your appearance?

My firm is counsel to the Plan Administrator. Pursuant to the Plan, the Plan Administrator is sole officer and director of the Wind-Down Debtors. Under the Plan, the Wind-Down Debtors are deemed substituted in as the party-in-lieu of the Debtors in all matters, including adversary proceedings pending in this Court. See Confirmation Order, ¶67. Colin is included and was involved in the underlying case.

#2. Can you also confirm that Veronica Polnick of Jackson Walker was relieved of those duties on September 27, 2023, and if there is a withdrawal of record on file for Jackson Walker?

Yes, Jackson Walker is not representing the Wind-Down Debtors/Plan Administrator. No, there is not a withdrawal and one is not required as noted above, the Wind-Down Debtors are substituted in lieu of the Debtors.

#3. I am out of town for the holidays, and will return on January 2, 2024. I am available on January 2, 2024, or thereafter.

Pursuant to the Scheduling Order, a courtesy copy which I attach, the Court instructed the parties to meet and confer. The Court also indicated the parties can stipulate to extend the answer date to the Complaint up to the date of the scheduling conference. If you will consent to the filing of an Answer to the Complaint until January 10, 2024, I will prepare a joint stipulation and promptly move to get an Answer on file prior to the Scheduling Conference.

Please advise on or before January 3, 2024, if the Plaintiff will consent to the extension of the time to file an Answer. In the absence of your consent, we will file a motion to extend the time to answer. We'd prefer to avoid filing a motion but if we do not hear back from you by January 3, I will file a motion so this matter is at issue.

Additionally, the Order set forth that we are to meet and confer and file a joint report pursuant to Rule 26(f) at least 3 business days prior to the January 10, Scheduling Conference which is not later than January 5, 2024. If we talk upon your return from vacation on January 2, we can discuss what the report should include. I will offer to take the laboring oar to put together a joint discovery plan based on our conversation. I can circulate a draft joint report and we can timely file with the Court by the following Friday. Let me know what time on or after January 2 is convenient.

If you have any questions, please feel free to reach out to me. Sorry to interrupt your break for the holidays and I look forward to hearing from you.

Jeffrey P. Nolan

Pachulski Stang Ziehl & Jones LLP

Tel: 310.277.6910 | Fax: 310.201.0760

jnolan@pszjlaw.com

[vCard](#) | [Bio](#) | [LinkedIn](#)



Los Angeles | San Francisco | Wilmington, DE | New York | Houston

From: Ryan Messner [mailto:ryanmessner@hotmail.com]

Sent: Tuesday, December 26, 2023 5:57 PM

To: Jeffrey P. Nolan <jnolan@pszjlaw.com>

Cc: Cia H. Mackle <cmackle@pszjlaw.com>

Subject: Re: Suralign Holdings Filing

Jeffrey:

Thank you very much for reaching out, and for confirming receipt of my previous email communications regarding my Adversary Proceeding against Suralign Holdings.

Can you please confirm that you and Cia Mackle (copied on your email response to me) are currently representing Suralign Holdings, and if so, when did you enter your appearance?

Can you also confirm that Veronica Polnick of Jackson Walker was relieved of those duties on September 27, 2023, and if there is a withdrawal of record on file for Jackson Walker?

I am out of town for the holidays, and will return on January 2, 2024. I am available on January 2, 2024, or thereafter.

I appreciate your time, and for the reply.

Ryan

Ryan Messner

Paralegal | Notary Public, State at Large KY | Certified Remote Online Notary (RON)

859.559.7985 | ryanmessner@hotmail.com | www.ron-ky.us

This message may contain confidential or proprietary information intended only for the use of the addressee(s) named above or may contain information that is legally privileged. If you are not the intended addressee, or the person responsible for delivering it to the intended addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message and any copies immediately thereafter.

From: Jeffrey P. Nolan <jnolan@pszjlaw.com>
Sent: Tuesday, December 26, 2023 8:09 PM
To: ryanmessner@hotmail.com <ryanmessner@hotmail.com>
Cc: Cia H. Mackle <cmackle@pszjlaw.com>
Subject: Suralign Holdings Filing

Ryan,

We have not talked previously but I have been forwarded various emails and the issues surrounding the Motion to Dismiss, status conference and meet and confer. I also recently saw your email from Thursday regarding the Default Judgment.

Are you available tomorrow or Thursday to discuss? Please let me know what day and time is convenient and I will confirm.

Best Regards,

Jeffrey P. Nolan
Pachulski Stang Ziehl & Jones LLP
Tel: 310.277.6910 | Fax: 310.201.0760
jnolan@pszjlaw.com
[vCard](#) | [Bio](#) | [LinkedIn](#)



Los Angeles | New York | Wilmington, DE | Houston | San Francisco

EXHIBIT G

Read: Re: Surgalign Claim Filing Inquiry - Urgent Reply Requested

Bradford J. Sandler <bsandler@pszjlaw.com>

Mon 1/1/2024 1:27 PM

To: Ryan Messner <ryanmessner@hotmail.com>

Your message

To: Bradford J. Sandler

Subject: Re: Surgalign Claim Filing Inquiry - Urgent Reply Requested

Sent: Thursday, December 21, 2023 3:37:20 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Monday, January 1, 2024 1:27:08 PM (UTC-05:00) Eastern Time (US & Canada).